IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 34530 of 2007(I)

PETITIONER:

K.B. PADMINI,
PEON, VISWABHARATHI S.N.HIGHER SECONDARY SCHOOL,
NEEZHOOR, RESIDING AT KALAYAMKUNNEL, MANJOOR P.O.,
KOTTAYAM DISTRICT.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, TRIVANDRUM.

2. DIRECTOR OF PUBLIC INSTRUCTIONS,
TRIVANDRUM.

3. DEPUTY DIRECTOR OF EDUCATION, KOTTAYAM.

4. DISTRICT EDUCATIONAL OFFICER,
KADUTHURUTHY.

5. MANAGER,
VISWABHARATHI S.N.HIGHER SECONDARY SCHOOL,
NEEZHOOR.

6. M.N. SASI,
LAB ASSISTANT, VISWABHARATHI S.N.HIGHER SECONDARY
SCHOOL, NEEZHOOR.

7. O.P. VILASINI,
PEON, VISWABHARATHI S.N.HIGHER SECONDARY SCHOOL,
NEEZHOOR.

8. V.S. SASI,
CLERK, VISWABHARATHI S.N.HIGHER SECONDARY SCHOOL,
NEEZHOOR.

BY GOVERNMENT PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)No. 34530 OF 2007

Dated this the 22nd day of November, 2007

JUDGMENT

The petitioner was appointed as Full Time Menial by the 5th respondent on 24.4.2000 in the post of one Sri. V.S. Sasi, who was promoted as Peon. Subsequently she was promoted as Peon on 15.7.2002. Both appointments were approved as per Exts.P1 and P2. In the meanwhile the 7th respondent, who was also a Full Time Menial was promoted as Peon on 10.1.2000. The said appointment was not approved and it was rejected by the DEO. The 5th respondent filed an appeal, which was also rejected. A revision was preferred before the 2nd respondent in which the Manager submitted a proposal for rearranging the appointments by Ext.P5 order. The 2nd respondent approved the proposal of rearrangement, as a result of which the petitioner's appointment would be with effect from 1.4.2002 as Full time Menial and with effect from 28.3.2003 as Peon, the consequence of which would be that the petitioner would be liable to refund the excess salary received by her. Although the petitioner admits that she has a

right of revision against Ext.P5, she apprehends that before she could move the revisional authority for interim orders, Ext.P5 would be implemented. Therefore the petitioner now confines her prayer for stay of Ext.P5 till the petitioner can move revisonal authority for stay by filing a revision.

2. I have heard the learned Government pleader also.

In the facts and circumstances of the case, I dispose of this writ petition with a direction that Ext.P5 shall not be implemented for a period of two weeks so that the petitioner can move the revisional authority in revision and move for stay of further proceedings pursuant to Ext.P5.

S. SIRI JAGAN, JUDGE

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